IN THE U.S. PATENT AND TRADEMARK OFFICE

Application No.:	10/629,519	**PATENT**
Filing Date:	07/29/03	Attorney Docket No. 100700-00108 [Herr 20.550]
Inventor(s):	Francese Diaz Gonzalez	
Group Art Unit:	1765	
Examiner Name:	Hiteshaw, Felisa Carla	
Customer No.:	026304	
Title:	Potassium Ytterbium Double Wolframate Single Crystal ...	

December 22, 2004

Mail Stop _____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR EXTENSION OF TIME

Sir:

Applicant requests that the time for taking action in this case be extended pursuant to 37 CFR 1.136(a) for:

(X) one month ( ) three months
( ) two months ( ) four months

The fee set in 37 CFR 1.17 for a four-month extension of time is $120.

Any fee due with this paper may be Charged to Deposit Account No. 50-1290

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pursuant to 37 C.F.R. 1.10.
By _____
Patricia Muir

(x) Fee enclosed. Please charge any additional fee required for this extension of time to Deposit Account No. 50-1290. A duplicate copy of this paper is enclosed.

(xx) Charge fee to Deposit Account No. 50-1290. A duplicate copy of this paper is enclosed.

( ) Applicant is a small entity entitled to pay reduced fees in this application.

A verified small entity statement:

( ) has been filed ( ) is enclosed.

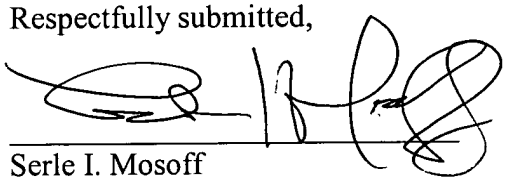
Also enclosed is a:

(**X**) Response/ Amendment ( ) Notice of Appeal ( ) Appeal Brief

( ) Request for Continued Examination (RCE)

( ) Sub Power of Attorney/Change of Correspondence Address

Respectfully submitted,



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reference.

Tang *et al.* discloses a number of protein sequences having homology with the human tansferase protein, including SEQ ID NO:9 that is identical to the SEQ ID NO:466. ("TRNSFS-9", see U.S. Patent No. 6,558,935, column 6 lines 25-39). Since Tang only discloses a polypeptide sequence, its encoding nucleic acid sequence and a sequence homology, Applicants respectfully submit that the Declaration simply needs to show possession of the polypeptide sequence, its encoding polynucleotide sequence as disclosed in Tang, and a sequence homology in order to overcome the 35 U.S.C. §102 rejection.

Applicants respectfully submit that U.S. Provisional Application No. 60/086,414, filed on May 22, 1998, provides the nucleic acid and amino acid sequences of the PRO1017 polypeptide and the homology of the polypeptide with the HNK-1 sulfotransferase protein (see U.S. Provisional Application No. 60/086,414 under the section titled "Full-length PRO1017 Polypeptide"). Considering its homology to the HNK-1 sulfotransferase protein, Applicants further suggest the PRO1017 polypeptide to be newly identified member of the HNK-1 sulfotransferase protein family and may possess activity typical of that family.

The Declaration clearly states that U.S. Provisional Application No. 60/086,414, filed on May 22, 1998 discloses sequences designated as SEQ ID NO:1 and SEQ ID NO:2, which are identical to SEQ ID NO:465 and SEQ ID NO:466, respectively, of the above-identified application. Further, the Declaration confirms that U.S. Provisional Application No. 60/086,414, filed on May 22, 1998, discloses that SEQ ID NO:2, corresponding to SEQ ID NO: 466 of the above-identified application, has homology to the HNK-1 sulfotransferase protein protein.

Accordingly, Applicants respectfully submit that the disclosures are commensurate in scope and that U.S. Provisional Application No. 60/086,414 discloses all that the cited prior art discloses.

Consequently, based on the holdings of *In re* Stempel and *In re* Moore, Applicants respectfully submit that Tang *et al.* is not prior art under 102(e) since its effective priority date is after the invention by the Applicants for patent. Accordingly, the Examiner is respectfully

requested to reconsider and withdraw the rejection of Claims 58-65 and 68-70 under 35 U.S.C. §102(e).

CONCLUSION

All claims pending in the present application are believed to be in *prima facie* condition for allowance, and an early action to that effect is respectfully solicited.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. **08-1641** (referencing Attorney's Docket No. **39780-2630 P1C87**). Please direct any calls in connection with this application to the undersigned at the number provided below.

Respectfully submitted,

Date: December 16, 2004

By: _____
Anna L. Barry (Reg. No. 51,436)

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medium and added to the cells. Control samples are serum-free medium alone. On day 4, 20μl of the Cell Titer 96 Aqueous one solution reagent (Progema) was added to each well and the colormetric reaction was allowed to proceed for 2 hours. The absorbance (OD) is then measured at 490 nm. A positive in the assay is anything that gives an absorbance reading which is at least 15% above the control reading.

The following polypeptide tested positive in this assay: PRO200, PRO363, PRO731, PRO534, PRO866 and PRO1031.

EXAMPLE 125: Pericyte c-Fos Induction (Assay 93)

This assay shows that certain polypeptides of the invention act to induce the expression of c-fos in pericyte cells and, therefore, are useful not only as diagnostic markers for particular types of pericyte-associated tumors but also for giving rise to antagonists which would be expected to be useful for the therapeutic treatment of pericyte-associated tumors. Specifically, on day 1, pericytes are received from VEC Technologies and all but 5 ml of media is removed from flask. On day 2, the pericytes are trypsinized, washed, spun and then plated onto 96 well plates. On day 7, the media is removed and the pericytes are treated with 100 μl of PRO polypeptide test samples and controls (positive control = DME+5% serum +/- PDGF at 500 ng/ml; negative control = protein 32). Replicates are averaged and SD/CV are determined. Fold increase over Protein 32 (buffer control) value indicated by chemiluminescence units (RLU) luminometer reading verses frequency is plotted on a histogram. Two-fold above Protein 32 value is considered positive for the assay. ASY Matrix: Growth media = low glucose DMEM = 20% FBS + 1X pen strep + 1X fungizone. Assay Media = low glucose DMEM +5% FBS.

The following polypeptides tested positive in this assay: PRO200.

EXAMPLE 126: Chondrocyte Re-differentiation Assay (Assay 110)

This assay shows that certain polypeptides of the invention act to induce redifferentiation of chondrocytes, therefore, are expected to be useful for the treatment of various bone and/or cartilage disorders such as, for example, sports injuries and arthritis. The assay is performed as follows. Porcine chondrocytes are isolated by overnight collagenase digestion of articulary cartilage of metacarpophalangeal joints of 4-6 month old female pigs. The isolated cells are then seeded at 25,000 cells/cm^2 in Ham F-12 containing 10% FBS and 4 μg/ml gentamycin. The culture media is changed every third day and the cells are then seeded in 96 well plates at 5,000 cells/well in 100μl of the same media without serum and 100 μl of the test PRO polypeptide, 5 nM staurosporin (positive control) or medium alone (negative control) is added to give a final volume of 200 μl/well. After 5 days of incubation at 37°C, a picture of each well is taken and the differentiation state of the chondrocytes is determined. A positive result in the assay occurs when the redifferentiation of the chondrocytes is determined to be more similar to the positive control than the negative control.

The following polypeptide tested positive in this assay: PRO200, PRO285, PRO337, PRO526, PRO362, PRO363, PRO531, PRO1083, PRO862, PRO733, PRO1017, PRO792, PRO788, PRO1008, PRO1075, PRO725 and PRO1031.